

BOCC EXECUTIVE SUMMARY

Proposed Action(s): Hold a public hearing to consider revising LCC 17.140 bringing it into compliance with state Current Use Laws under RCW 84.34.

Summary prepared by: Robert A. Johnson, Community Development

Date: October 7, 2010

Date of Board action: November 1, 2010

Summary of proposal(s): LCC 17.140 currently limits the time a property can be classified as Open Space Farm and Agriculture Land to ten years. This is contrary to state law as defined in RCW 84.34. The revisions propose to eliminate the ten-year limitation and make other changes that clarify the program and facilitate the review of the public benefits derived from the open space program.

The primary revisions to LCC17.140 are in response to a Washington State Department of Revenue audit that states in summary: "The county legislative authority cannot restrict the amount of time property is in the open space farm and agricultural conservation land classification."

The other revisions identified in the attached Chapter 17.140 Open Space chapter of LCC are to correct errors and make the code more user-friendly.

Result of disapproval: In the event the Board does not approve the revision to eliminate the ten year limitation it could be sanctioned by the State.

Staff recommendation: Notice a public hearing to be held on November 1, 2010 to take action, adopting Ordinance 1216 and amending LCC 17.140 as drafted and attached.